

CHAPTER 114
NUISANCE WILDLIFE CONTROL

571—114.1(456A) Nuisance wildlife control program. This chapter is intended to implement Iowa Code section 456A.24(8) by providing permitting of nuisance wildlife control operators for the purpose of protecting private property from nuisance wildlife. No provision of this chapter shall restrict a landowner from lawfully removing nuisance wildlife pursuant to Iowa Code section 481A.87.

571—114.2(456A) Definitions.

“Annual activity report” means an annual report submitted on a form provided by the department.

“Biologist” means a natural resource biologist employed by the wildlife bureau of the department of natural resources.

“Guidebook” means the nuisance wildlife control operator’s manual provided by the department.

“Helper” means a person who possesses a fur harvester license, has paid the habitat fee, and is listed, by name, on the permit as authorized to perform nuisance wildlife control operator duties under the direction of the permittee.

“Nuisance wildlife” means wild, native animals or birds under the jurisdiction of the department of natural resources that are causing damage to private property, creating a nuisance, or presenting a health hazard.

“Nuisance wildlife control operator” or *“NWCO”* means a person who operates as a business and charges a fee to remove nuisance wildlife from private property.

“Permit” means an annual permit issued by the department under the authority of Iowa Code section 455A.5(6) “e” for the purpose of capturing and removing nuisance wildlife from private property. The permit shall expire January 10 of each year and is not transferable.

“Permittee” means an NWCO who possesses a valid nuisance wildlife control operator’s permit issued by the department and also possesses a valid Iowa fur harvester license and has paid the habitat fee.

“Special Canada goose control permit” or *“SCGCP”* means a permit to engage in the Canada goose population control activities specified by the department of natural resources.

“Technician” means a natural resource technician employed by the wildlife bureau of the department of natural resources.

“Translocate” means to transport and release an animal at a site other than the site at which it was captured.

571—114.3(456A) Nuisance wildlife control operator’s permit. An NWCO permit may be issued to an NWCO who, upon application and following review and testing, complies with all requirements established within this chapter. This is an annual permit and may be renewed by January 10 of the following year. The department shall not renew a permit without first receiving a completed annual activity report for the previous year.

571—114.4(456A) Application requirements. All applicants must be at least 18 years of age and possess a valid driver’s license.

571—114.5(456A) Nuisance wildlife control operator’s guidebook. All applicants will receive an NWCO guidebook at the time they submit a completed permit application form. The permittee shall refer to the guidebook as an operating manual for nuisance wildlife control activity. All requirements and procedures listed in the guidebook must be followed. The NWCO guidebook is hereby adopted by reference and shall be a part of this chapter as if set forth herein.

571—114.6(456A) Nuisance wildlife control operator's test and interview. An applicant must successfully pass a written test with a minimum test score of 80 percent before an NWCO permit will be issued. If the applicant fails the written test, the applicant must wait 45 days before retaking the test. If the applicant fails the written test a second time, the applicant must wait 180 days before reapplying. A \$25 testing fee will be assessed when the applicant successfully completes the test. In addition, the applicant must successfully complete an oral, in-person interview with a representative of the department to determine the applicant's knowledge of wildlife and wildlife capture techniques, and to determine if the applicant has the ability to provide effective services to the public.

571—114.7(456A) Records and record-keeping requirements. All permittees shall keep a daily record of their nuisance wildlife control activities. Each record must contain the client's name, address, telephone number, date of service, service provider's name, species of animal, number of animals removed, control methods used, and disposition of the animals. Permittees holding an SCGCP must also document on aerial photos, or similar maps, the locations of all Canada goose nests destroyed, the numbers of Canada goose eggs destroyed, and the numbers of Canada geese killed at each project site. These records shall be kept up to date and on file at the business location specified in the permit. The permittee shall provide these records for inspection by a department representative at any reasonable time.

571—114.8(456A) Annual activity report. The permittee shall submit an annual activity report on forms provided by the department no later than January 31 of the following year. The department shall not renew a permit until a complete and accurate annual activity report has been received for the preceding year.

571—114.9(456A) Permit renewal. An NWCO permit may be renewed by the department when all reporting requirements for the previous year have been met. An administrative fee of \$20 will be assessed at the time of permit renewal.

571—114.10(456A) Helper. A helper shall operate under the same conditions as the permittee. The permittee shall be responsible for all actions of the helpers listed on the permit. Compliance violations committed by a helper may be cause for the department to revoke the NWCO permit.

571—114.11(456A) Capture methods and trap tagging. Live traps such as box traps and leghold traps should be used whenever possible. Humane traps, which are those designed to kill instantly and which have a jaw spread exceeding eight inches, are unlawful except when placed entirely under water. All traps and snares, except those that are placed entirely under water, shall be checked once every 24 hours. All traps and snares for the taking of nuisance wildlife shall have a metal tag attached that is plainly labeled with the permittee's business name and address. If traditional capture methods fail, the permittee may use chemicals, smoking devices, mechanical ferrets, wire, tools, instruments, or water to remove nuisance animals in accordance with the procedures contained in the guidebook. No person, except a person acting under an NWCO permit, shall capture or take, or attempt to capture or take, with any trap, snare, or net, any game bird. The permittee and designated helpers shall observe all Iowa fur trapping and fur possession regulations as provided by Iowa law, the Iowa Administrative Code, and the NWCO guidebook.

571—114.12(456A) Endangered and threatened wildlife species. The permittee is not authorized to capture or possess any wildlife species listed as endangered or threatened. A permittee may only capture or possess a federally protected species to the extent that the permittee is authorized to engage in specific Canada goose population control activities by the terms of a valid SCGCP. This prohibition includes, but is not limited to, the capture or possession of bobcats, spotted skunks, hawks, owls, eagles, migratory birds, waterfowl, and songbirds. When a nuisance wildlife problem involves an endangered or threatened species, the local state conservation officer must be contacted, and the officer will determine how the situation should be handled.

571—114.13(456A) Special Canada goose control permits. A person applying for a special Canada goose control permit to use lethal methods to control Canada goose populations or to trap and translocate Canada geese must be a currently certified NWCO and must abide by the following rules:

114.13(1) Lethal control practices. Permittees wishing to use lethal methods, such as nest destruction, egg oiling, egg addling, or killing geese, must comply with the following procedures:

a. Permittees must obtain written permission from the biologist responsible for the county in which the lethal control practice is proposed for every site where a lethal control practice is proposed before implementing any such practice. The biologist will determine if lethal control practices are necessary and will specify the number of nests, eggs, or adult geese that can be destroyed at each site.

b. The permittee must follow the procedures in the NWCO guidebook for implementing lethal control practices and disposing of dead birds, eggs, and nests. Failure to follow such procedures will result in immediate revocation of the permit.

c. Permittees must satisfactorily complete at least two lethal control projects under the direct supervision of a biologist or technician before being granted an SCGCP for lethal control practices. Upon the permittee's satisfactory completion of two lethal control projects, the biologist can issue the NWCO an SCGCP to perform lethal control activities without direct supervision by DNR personnel. The NWCO must carry this permit whenever engaged in lethal Canada goose control activities and exhibit it upon request by department of natural resources personnel. Any persons assisting with the lethal control practices must be listed on the SCGCP. The permittee is responsible for the conduct of all persons listed on the SCGCP who are helping conduct lethal control operations.

d. Permittees must document on an aerial photo, or similar map, the locations of all Canada goose nests destroyed, the numbers of Canada goose eggs destroyed, and the numbers of Canada geese killed at each project site within 48 hours of completion of each project. Any banded geese that are killed must have the bands removed before disposal and be reported as specified in the NWCO guidebook within 48 hours of the permittee's completion of the project.

e. Permittees must provide the department a written report of all lethal control activities by December 31 of the year for which the SCGCP is valid. Failure to provide this report by December 31 will result in the permittee's not being reauthorized to use lethal control methods the following year.

114.13(2) Trapping and translocation operations. Permittees wishing to trap and translocate Canada geese must comply with the following procedures:

a. Permittees must obtain written permission from the biologist responsible for the county in which the trap and translocation operation is proposed for every site where such operation is proposed before implementing any such operation. The biologist will determine if a trap and translocation operation is necessary and will specify the number of geese that can be translocated from each site. The biologist will also specify release sites for the captured geese. Release sites must be approved by the biologist before any geese are captured.

b. The permittee must follow the procedures in the NWCO guidebook for implementing trap and translocation operations. Failure to follow such procedures will result in immediate revocation of the permit.

c. Before the permittee engages in a trap and translocation operation, the permittee's trapping and transport equipment must be inspected and approved by a biologist or technician.

d. Permittees must satisfactorily complete at least four trap and translocation projects under the direct supervision of a biologist or technician before being granted an SCGCP for trap and translocation operations. Upon satisfactory completion of four trap and translocation projects, the biologist can issue the NWCO an SCGCP to perform trap and translocation operations without direct supervision by DNR personnel. The NWCO must carry this permit whenever engaged in trap and translocation operations and exhibit it upon request by department of natural resources personnel. Any persons assisting with the trap and translocation operations must be listed on the SCGCP. The permittee is responsible for the conduct of all persons listed on the SCGCP who are helping with trap and translocation operations.

e. Permittees must inform the biologist of the number of birds captured and translocated within 48 hours of the completion of each operation. Permittees must document the number of Canada geese trapped and released for each capture and release site and the number of geese that died during each trap and translocation operation. Any banded geese that are captured and translocated must be reported as specified in the NWCO guidebook within 48 hours of completion of the project.

f. Permittees must provide the department a written report of all trap and translocation operations by December 31 of the year for which the SCGCP is valid. Failure to provide this report by December 31 will result in the permittee's not being reauthorized to trap and translocate geese the following year.

114.13(3) General provisions.

a. The SCGCP is valid for one year and must be reauthorized by a biologist each year when the NWCO permit is renewed.

b. Any plumage, eggs, eggshells, nests, or dead birds encountered by the permittee when performing activities permitted under this rule may not be sold, offered for sale, bartered or shipped or possessed for the purposes of being sold, offered for sale, bartered or shipped.

c. Any properties on which lethal control or trap and transport operations are conducted must be open at all reasonable times, including during actual operations, to any biologist or technician, conservation officer, U.S. Fish and Wildlife Service special agent, or U.S. Department of Agricultural Wildlife Services agent wishing to inspect the activity or the results of the activity.

d. Nothing in the permit should be construed to authorize the killing of any migratory bird or the destruction of the nests or eggs of any migratory bird other than resident Canada geese.

571—114.14(456A) Disposition of captured nuisance wildlife. Nuisance wildlife, with the exception of endangered or threatened species, may be relocated or euthanized. The permittee shall comply with the euthanization and release methods described in the NWCO guidebook. Sick or injured wildlife must be handled as described in the NWCO guidebook. The carcass of a dead nuisance animal must be disposed of in a legal manner and within 24 hours of the animal's death.

571—114.15(456A) General conditions for permits. Records and facilities shall be available for inspection by officers of the department during reasonable hours. All records and reports must be kept current and shall reflect a true and accurate account of the permittee's activities. The department's law enforcement bureau shall be notified in writing within 30 days if the permittee ceases operation as a nuisance wildlife control operator. Permittees and helpers must obtain and possess valid fur harvester licenses and have paid the habitat fees, except that persons listed as assistants on the SCGCP do not need to have a valid fur harvester license nor to have paid the habitat fee when assisting with Canada goose control activities. Permittees must renew their NWCO permits by January 31 of each year.

571—114.16(456A) Permit refusal. The department may suspend, revoke, refuse to issue, or refuse to renew a nuisance wildlife control operator's permit if the department finds that the permittee, a helper, or an employee of the permittee is not in compliance with this chapter. In addition, any violation of Iowa Code chapter 481A, 481B, 482, 483A, 484A, 484B, or 716 shall be cause for the department to suspend, revoke, refuse to issue, or refuse to renew a permit.

571—114.17(456A) Penalties. A person or organization that violates a provision of this chapter is guilty of a simple misdemeanor.

These rules are intended to implement Iowa Code sections 456A.24(8), 481A.38, 481A.39 and 481A.48.

[Filed 12/19/01, Notice 10/3/01—published 1/9/02, effective 2/13/02]

[Filed 2/9/06, Notice 12/7/05—published 3/1/06, effective 4/5/06]